



Order Filed on September 6, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

**FRIEDMAN VARTOLO LLP**

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Attorneys for Fay Servicing, LLC as servicer for  
Wilmington Trust, National Association, not in its  
individual capacity, but solely as trustee of MFRA  
Trust 2015-1

In Re:

Genaro Herrera,

Debtor(s)

CASE NO.: 21-19470-CMG

CHAPTER: 13

JUDGE.:

Christine M. Gravelle

HEARING DATE: September 6, 2023 at 9:00 am

**ORDER VACATING AUTOMATIC STAY AND CO-DEBTOR STAY**

The relief set forth on the following page numbered two (2)- three (3) is hereby  
**ORDERED**

**DATED: September 6, 2023**

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

**Honorable Christine M. Gravelle  
United States Bankruptcy Judge**

Upon the motion of Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1, on behalf of its successors and/or assigns (hereinafter collectively "Secured Creditor" and/or "Movant") under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

**ORDERED** that the automatic stay of Bankruptcy Code Section 362(a) is vacated to permit the Movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

[x] Real property commonly known and more fully described as: 119-121 South Hampden Court, Pleasantville, NJ 08232

**ORDERED** that the Co-Debtor stay in effect as it pertains to Cira Herrera pursuant to section 1301(a) of the Bankruptcy Code is hereby modified to allow Movant its successors and/or assigns to commence and /or continue with a foreclosure action and eviction proceeding with regard to the Premises; and it is further

**ORDERED** that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code; and it is further

**ORDERED**, that the stay afforded by 11 U.S.C. §362(a) be, and is hereby, modified to permit Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1, its successors and/or assigns, to pursue its rights under applicable state law with respect to the premises 119-121 South Hampden Court, Pleasantville, NJ 08232; and it is further

**ORDERED** that Movant is permitted to offer and provide Debtors with information regarding a potential Forbearance Agreement, short sale, deed in lieu, loan modification, Refinance Agreement, or other loan workout/loss mitigation agreement, and to enter into such agreement with Debtors without further order of the court, and it is further

**ORDERED**, that the instant order is binding in the event of a conversion; and it is further

**ORDERED**, that the Movant is granted reasonable attorney fees in the amount of \$400.00 and costs in the amount of \$188.00; and it is further

**ORDERED**, that the trustee be informed of any surplus monies resulting from the sale of the collateral; and it is further

**ORDERED**, that the movant shall serve this order on the debtor, any trustee, and any other party who entered an appearance on the motion.

In re:

Genaro Herrera

Debtor

Case No. 21-19470-CMG

Chapter 13

District/off: 0312-3

User: admin

Page 1 of 2

Date Rcvd: Sep 06, 2023

Form ID: pdf903

Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 08, 2023:**

<b>Recip ID</b>	<b>Recipient Name and Address</b>
db	+ Genaro Herrera, 365 Ridgeley Street, Perth Amboy, NJ 08861-3249

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## **BYPASSED RECIPIENTS**

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## **NOTICE CERTIFICATION**

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 08, 2023

Signature: /s/Gustava Winters

## **CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 6, 2023 at the address(es) listed below:

Name	Email Address
Albert Russo	docs@russotrustee.com
Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Angela Catherine Pattison	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 apattison@hillwallack.com, apattison@ecf.courtdrive.com
Charles G. Wohlrab	on behalf of Creditor Fay Servicing LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 bkecf@friedmanvartolo.com, cwohlrab@ecf.courtdrive.com
Denise E. Carlon	on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

District/off: 0312-3

User: admin

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Total Noticed: 1

Donald C. Goins

on behalf of Debtor Genaro Herrera dcgoins1@gmail.com  
g25787@notify.cincompass.com:goins.donaldc.b129630@notify.bestcase.com

Jonathan C. Schwab

on behalf of Creditor Wilmington Trust National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 bankruptcy@friedmanvartolo.com, jschwalb@ecf.courtdrive.com

Jonathan C. Schwab

on behalf of Creditor Fay Servicing LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 bankruptcy@friedmanvartolo.com, jschwalb@ecf.courtdrive.com

Lauren Moyer

on behalf of Creditor Fay Servicing LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee of MFRA Trust 2015-1 bkecf@friedmanvartolo.com, nj-ecfmail@ecf.courtdrive.com

Robert P. Saltzman

on behalf of Creditor Ajax Mortgage Loan Trust 2021-C Mortgage-Backed Securities, Series 2021-C, by U.S. Bank National Association, as Indenture Trustee c/o Gregory Funding LLC dnj@pbslaw.org

U.S. Trustee

USTPRegion03.NE.EDF@usdoj.gov

TOTAL: 11